

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN SUERO,

Petitioner,

– against –

SUPERINTENDENT JOSEPH NOETH,

Respondent.

ORDER

19 Civ. 3752 (ER) (SDA)

RAMOS, D.J.:

On April 26, 2019, Jonathan Suero, *pro se*, petitioned for a writ of habeas corpus under 28 U.S.C. § 2254. Doc. 2. On September 10, 2019, the State of New York opposed. Doc. 13. On June 19, 2020, Magistrate Judge Stewart D. Aaron issued a Report and Recommendation (“R&R”) recommending denial of Suero’s petition. Doc. 26. Though the R&R notified the parties that they had fourteen days to file objections and that failure to do so “will result in a waiver of objections and will preclude appellate review[.]” Suero did not file any objections. *Id.* at 30. On July 13, 2020, the Court adopted Magistrate Judge’s Aaron’s R&R in its entirety. On August 24, 2020, Suero filed a notice of appeal.

The Court declines to issue a certificate of appealability in this case because Suero has not made a substantial showing of the denial of a federal right. *Love v. McCray*, 413 F.3d 192, 195 (2d Cir.2005). Any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied. *Coppedge v. United States*, 369 U.S. 438, 445 (1962). In addition, where a

petitioner has not filed any objections to an R&R, that petitioner waives his right to appeal.

Caidor v. Onondaga Cnty., 517 F.3d 601, 604 (2d Cir. 2008).

It is SO ORDERED.

Dated: September 22, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is positioned above a horizontal line.

EDGARDO RAMOS, U.S.D.J.

Copies Mailed to Plaintiff
Chambers of Edgardo Ramos